

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division

LAURA SENNETT,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 1:09-cv-1063 (TSE/IDD)
)	
UNITED STATES DEPARTMENT)	
OF JUSTICE, <u>et al</u> ,)	
)	
Defendants.)	

MOTION OF THE DEFENDANTS COUNTY OF ARLINGTON AND
ARLINGTON POLICE DEPARTMENT TO DISMISS
COUNTS II-IV OF THE AMENDED COMPLAINT

The defendant, the County of Arlington and the Arlington Police Department¹, by counsel, pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, moves the Court to dismiss the Amended Complaint as against it, on the following grounds:

1. The County cannot be held liable for the actions of a Virginia Magistrate, the allegations of policy are insufficient under Rule 8(a)(2) of the Federal Rules of Civil Procedure and Counts II and III should be dismissed; and

2. Count IV is barred by the County's sovereign immunity and the plaintiff's failure to allege compliance with Virginia Code § 15.2-1248;

as further set forth and described in the supporting memorandum of points and authorities which has been filed with this motion.

¹ In her original Complaint, the Plaintiff included the Arlington Police Department as a separate defendant. In her Amended Complaint, the Plaintiff no longer lists the Arlington Police Department as a defendant; however, no order dismissing the Police Department has been entered. Plaintiff's counsel has advised that she will prepare an agreed order dismissing the Arlington Police Department. The Arlington Police Department is included as a movant herein out of an abundance of precaution.

Therefore, the Defendant County of Arlington moves this Court to grant its Motion to Dismiss Counts II-IV of the Amended Complaint against it with prejudice, with such other relief as is just and proper.

COUNTY OF ARLINGTON
ARLINGTON POLICE DEPARTMENT

By Counsel

Stephen A. MacIsaac, County Attorney
Virginia Bar #21130

/s/
Ara L. Tramblian, Deputy County Attorney
Virginia Bar # 24350
Attorney for Defendants Arlington County,
Arlington Police Department and Bryk
Arlington County Attorney's Office
2100 Clarendon Boulevard, Suite 403
Arlington, Virginia 22201
(703) 228-3100 (voice)
(703) 228-7106 (fax)
atrambliau@arlingtonva.us

CERTIFICATE OF SERVICE

I hereby certify that on the 1st day of February, 2010, I will electronically file the foregoing with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing (NEF) to the following:

Thomas M. Wolf, Esq. and Lisa J. Chadderdon, Esq.
LeClairRyan
951 East Byrd Street, 8th Floor
Richmond, Virginia 21219
Counsel for Plaintiff

Sarah E. Moffett, Esq.
LeClairRyan
225 Reinekers Lane, Suite 700
Alexandria, Virginia 22314
Counsel for Plaintiff

M. Alice Rowan, VSB #27056
Assistant County Attorney
1 County Complex Court
Prince William, Virginia 22192
Counsel for Defendants Prince William County and Prince William County Police
Department

R. Joseph Sher, Esq.
Assistant United States Attorney
Office of the United States Attorney
2100 Jamieson Avenue
Alexandria, Virginia 22314
Counsel for Defendant Vincent Antignano

and I hereby certify that I will mail the document by U.S. mail to the following non-filing users:

Eric Holder, Attorney-General of the United States
Office of the Attorney General
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530-0001
Counsel for Defendants U.S. Department of Justice and the
Federal Bureau of Investigation Joint Terrorism Task Force

/s/
Ara L. Tramblian, Deputy County Attorney
Virginia Bar # 24350
Attorney for Defendants County of Arlington,
Arlington Police Department and Bryk
Arlington County Attorney's Office
2100 Clarendon Boulevard, Suite 403
Arlington, Virginia 22201
(703) 228-3100 (voice)
(703) 228-7106 (fax)
atramblan@arlingtonva.us